

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GOVERNMENT'S SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS

Pursuant to Fed. R. Crim. P. 30 and the Court's Order Setting Criminal Case for Trial, the United States of America hereby requests that the Court include the additional jury instructions in the above-captioned action submitted herewith. The government respectfully reserves the right to supplement, modify, or withdraw these instructions in light of the defendant's proposed jury instructions or developments at trial.

Respectfully submitted,

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(Include as part of Instruction No. 4 - Evidence)

STIPULATIONS OF FACT

During the presentation of evidence, stipulations between the government and the defendants were read to you. This means simply that both sides accept as facts the propositions stated in the stipulations. In other words, there is no disagreement as to those facts and you must accept them as facts.

(Additional language after fifth sentence of first paragraph of Instruction No. 4)

Indeed, questions themselves are not evidence at all. For example, if during the trial a witness was asked whether an event occurred and the witness responded in the negative, the mere asking of the question does not constitute evidence that the event nonetheless happened.

(Instruction No. 12 - Presumption of Innocence)

Correct first line to read "This is a criminal case in which the United States has charged Mr. Charlton with committing a crime."

(Instruction No. 18 - Submitting the Indictment)

Correct second sentence to read, "You may use it to read the crime that the defendant is charged with committing."